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| TO: | FROM: |
| Mail Stop Amendment | Jessica H. Kwak |
| Attn: Examiner Patricia L. Nordmeyer | |
| COMPANY: | DATE: |
| U.S. Patent & Trademark Office | SEPTEMBER 14, 2006 |
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| RE: | APPLICATION SERIAL NUMBER: |
| Amendment | 10/828,453 |

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Raymond Gosselin Confirmation No. 3998
Serial No.: 10/828,453
Filed: April 20, 2004 Customer No.: 32692
Examiner: Patricia L. Nordmeyer
Group Art Unit: 1772
Docket No.: 58032US010
(1004-225US01)
Title: TAMPER INDICATING DEVICES AND METHODS FOR SECURING
INFORMATION

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CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on September 14, 2006.

By: Beth M. Lindblom
Name: Beth M. Lindblom

MAIL STOP AMENDMENT
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached correspondence relating to this application:

- ☒ Transmittal sheet containing Certificate of Mailing
☒ Amendment (3 pgs.)
☒ No additional fee is required

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Date:

September 14, 2006

By:

Jessica H. Kwak
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RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action mailed June 15, 2006, the period of response for which runs through September 15, 2006. In the Office Action, the Examiner rejected claims 1-26 under 35 U.S.C. § 103(a) as being unpatentable over Wright et al. (U.S. 6,416,857) in view of Mocilnikar et al. (US 5,346,259). Applicant respectfully traverses the rejection because the applied references fail to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

For example, the applied references lack any teaching that would have suggested a mask applied to a tamper indicating device, as recited by Applicant's independent claims 1, 6, 12, 16, and 21. Dependent claims 2-5, 7-11, 13-15, 17-20, and 22-26 depend upon claims 1, 6, 12, 16, and 21, respectively, and thus include the mask as an element. As the Office Action recognized, Wright et al. fails to disclose a mask applied to a tamper indicating device. (Office Action at page 3.) The Examiner looked to Mocilnikar et al. to cure this deficiency in Wright et al. and alleged that Mocilnikar et al. teaches "a mask applied to the tamper indicating device (Figure 3,

Application Number 10/828,453
Responsive to Office Action mailed June 15, 2006

#30) . . ." (Office Action at page 3.) Applicant respectfully disagrees with the Examiner's characterization of element 30 of Mocilnikar et al. as a mask.

As Applicant's disclosure explains, a mask can be almost any printing or application or change to a top surface of the tamper indicating device that causes secured information to be illegible through the top surface of the tamper indicating device. (Applicant's disclosure at paragraph 45.) Furthermore, claims 6, 12, and 21 explicitly recite that the mask obscures secured information. In contrast, Mocilnikar et al. refers to element 30 as a varnish 30, which is described as a clear layer (col. 6, ll. 3-10) specifically so that printing in layer 40 is visible via a viewer (col. 5 ll. 10-15). Mocilnikar does not teach or suggest anything but a clear varnish 30, and in fact, touts the clear varnish 30 as a "significant feature" of its invention. (Col. 6, ll. 3-6.) The clear varnish 30 taught by Mocilnikar et al. does not in any way cause secured information to be illegible through the top surface of the anti-theft label. Accordingly, the varnish 30 of Mocilnikar et al. cannot be characterized as a mask, much less a mask that is in partial or whole registration with a window in a flood coat, as recited by Applicant's claims 1 and 16. Applicant further notes that in addition to recognizing that Wright et al. does not teach a mask, the Office Action recognized that Wright et al. does not teach a mask that is in partial or whole registration with a window in a flood coat. (Office Action at page 3.)

Neither Wright et al. nor Mocilnikar et al. teach or suggest a mask applied to a tamper indicating device, as recited by Applicant's independent claims 1, 6, 12, 16, and 21. For at least the foregoing reasons, the Examiner has failed to establish a prima facie case for non-patentability of Applicant's claims 1-26 under 35 U.S.C. § 103(a). Withdrawal of this rejection is requested.